

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

BRUCE A. ESTES,  
Plaintiff,

v.

HAROLD W. CLARKE, *et al.*,  
Defendants.

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Civil Action No. 7:15cv00155

By: Elizabeth K. Dillon  
United States District Judge

**ORDER**

This matter is before the court on plaintiff's letter (Dkt. No. 71) indicating that the parties agree to allow plaintiff to amend his 42 U.S.C. § 1983 complaint. Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, "a party may amend its pleading . . . with the opposing party's written consent or the court's leave." Inasmuch as the defendants have consented in writing to plaintiff's intended amendment, it is hereby ORDERED that plaintiff shall file within twenty days an amended complaint which will replace his original complaint and defendants shall file a responsive pleading to the amended complaint within thirty days of service of the amended complaint. Inasmuch as the amended complaint will replace the original complaint, defendants' current motion for summary judgment (Dkt. No. 57) is DISMISSED without prejudice.

The Clerk shall send copies of this order to the parties.

Entered: May 20, 2016.

*/s/ Elizabeth K. Dillon*  
Elizabeth K. Dillon  
United States District Judge